

IN RE: PETITION FOR ZONING VARIANCE, BEFORE THE
1117 Engleberth Road, 1060' +/- DEPUTY ZONING COMMISSIONER
SW of Holly Neck Road OF BALTIMORE COUNTY
(1117 Engleberth Road) 15th Election District
5th Councilmanic District Case No. 89-483-A
Charles Lehrer, at us
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Initially, the petitioners requested a variance to permit a front yard setback of 28 feet in lieu of the required 75 feet and a rear yard setback of 10 feet in lieu of the required 50 feet for an existing building, and to permit an existing accessory structure (barn) to be located in the side yard in lieu of the required rear yard, in accordance with the plan submitted and identified as Petitioner's Exhibit 1. A hearing was held on this Petition on May 30, 1989 at which time it was determined that a meeting would be held between Petitioners and the Protestants to resolve their differences and to allow additional time for Petitioners to respond to the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM). Subsequently, following numerous meetings between all parties concerned and a Consent Judgment Order in the matter of Charles J. Lehrer, III, et al. dated December 14, 1989, identified herein as Petitioner's Exhibit B, it was determined that Petitioners would file an amended Petition and the property reposted and readvertised. On or about March 30, 1990, Petitioners filed a revised site plan and an amended Petition for Zoning Variance requesting a setback of 25 feet from the centerline of the road in lieu of the required 75 feet and a rear yard setback of 35 feet in lieu of the required 50 feet for a proposed building, and to permit an existing accessory structure (barn) to be located in

the side yard in lieu of the required rear yard, all as more particularly described in Petitioner's Exhibit A.

At the hearing held on May 30, 1989, the Petitioners, Mr. and Mrs. Charles Lehrer, appeared, testified, and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Petitioners' children, Michael, Todd and Charles, III, and Frank Lee, Registered Property Line Surveyor. Appearing as Protestants in the matter were James E. Brudzinski, and Ward and Cathy Holden, all represented by John O. Hennegan, Esquire. At the hearing held on May 18, 1990, Mr. Lehrer appeared and was represented by S. Eric DiNenna, Esquire. John D. Gostrum, Esquire, appeared on behalf of the Protestants. Appearing as interested parties were David Flowers, Nancy Sanford and Rob Powell with DEPRM.

Testimony at the May 30, 1989 hearing indicated that the subject property, known as 1117 Engleberth Road, consists of 1.40 acres zoned R.C. 5 and is improved with a frame barn and a building as set forth in Petitioner's Exhibit A. Said property is located within the Chesapeake Bay Critical Areas on Brown's Cove. Petitioners testified they purchased the subject property in 1980 at which time they also purchased the adjoining lot known as 1115 Engleberth Road. Testimony indicated Petitioners obtained a building permit to construct a shed at the location of the existing building approximately 2 years ago. Petitioners subsequently built a modular pre-fab home on the site in lieu of their original plans for a shed. Thereafter, complaints were filed by adjoining property owners. Petitioners filed the instant Petition for approval to keep the structure in its present location. After much discussion and debate as to the appropriateness of the subject dwelling's location, the parties requested that the matter be continued to allow all parties to meet with the County to

resolve the matter. Subsequently, Petitioners filed the instant Petition and submitted the revised site plan, identified herein as Petitioner's Exhibit A, depicting the proposed relocation of the existing dwelling.

Testimony presented at the May 18, 1990 hearing indicated that the proposed relocation site is the most practical from both a wetlands perspective and the objecting residents of the neighborhood. Mr. Flowers indicated that the proposed relocation site placed the subject dwelling further from the wetlands than its present location. He further indicated that Mr. Powell, who is with the Water Quality Division of DEPRM, was also in agreement with the proposed relocation site. Mr. Flowers indicated that DEPRM's approval was conditioned upon there being no further development to the rear of the dwelling and that after its relocation, any vegetation disturbed would be restored and that all building materials and debris would be removed from the premises, including the original footings. Testimony indicated that the subject barn has existed on the property for many years and pre-dates the Critical Areas Legislation. Further testimony indicated the barn does not cause any detriment to the health, safety or general welfare of the community and should therefore be permitted to remain in its present location.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas Legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and

- 4 -

- 2) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of June, 1990 that the Petition for Zoning Variance to permit a setback of 25 feet from the centerline of a road in lieu of the required 75 feet and a rear yard setback of 35 feet in lieu of the required 50 feet for a proposed building, and to permit an existing accessory structure (barn) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 2) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

- 2) Upon relocation of the subject dwelling to the proposed site set forth in Petitioner's Exhibit A, all vegetation disturbed by such relocation shall be re-planted, and all building materials and debris, including the remaining footings, shall be removed from the present location. Further, the entire area from which the existing dwelling is to be removed shall be re-planted with natural vegetation.

- 3) Within forty-five (45) days of the date of this Order, Petitioners shall submit a replanting and landscaping plan for the subject property for approval by both the Director of DEPRM and the Deputy Zoning Commissioner. The replanting and landscaping required shall be as determined appropriate by the Director of DEPRM. The approved replanting/landscaping plan shall be submitted to the Deputy Zoning Commissioner for final approval within ninety (90) days of the date of this Order.

- 4) There shall be no further development to the rear of the proposed dwelling site and no additional construction to the subject dwelling, including, but not limited to, the addition of any decks.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated May 15, 1990, attached hereto and made a part hereof.

AMH:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: May 15, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Case #89-483-A
Lehrer Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1117 Engleberth Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Charles Lehrer

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A04.3.B.3. of the Baltimore County Zoning Regulations to permit "a setback of 25 feet from centerline of road in lieu of required 75 feet; section 400.1 to permit an accessory structure in the side yard in lieu of the required rear yard; and section 1A04.3.B.3 to allow a rear yard setback of 35 feet in lieu of the required 50 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
May 15, 1990
Page 3

- (3) The forest or developed woodland cleared shall be replaced according to an approved forest establishment plan. If the configuration of the site precludes on-site replacement, it is the applicant's responsibility to secure an off-site area suitable for afforestation and in compliance with d(1) and d(2) preceding. If an appropriate off-site area cannot be located or secured, the County will allow the applicant to pay a fee-in-lieu.
<Baltimore County Code, Section 22-217 (c)>

Finding: A portion of this property is designated as forested on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs. The proposed location of the house does not disturb any of this existing forest. No clearing of the existing forest shall be allowed.

4. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C. (7)>.

Finding: This proposed house does not cause the sum of impervious areas to exceed 15% of the lot. At no time shall the sum of impervious areas exceed 15% of the lot.

5. Regulation: "The stormwater management system shall be designed so that:

- (1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;
- (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
- (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: Rooftop runoff shall be directed through downspouts and into ditch drains or seepage pits (see attached information). This shall maximize the infiltration of stormwater rather than directing flow to single discharge points.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Jessie Butcher, Michael Cook,
Louise Hanson, Robert Powell,
Rocky Powell, John Reisinger,
Amedeo Matteo, Robert Maddox,
Walter Rupp, Gary Freund

FROM: Office of Law

SUBJECT: Joseph Lehrer, et al. v.
Baltimore County, Maryland

DATE: January 11, 1989

Engleberth Rd., C.D. 15

Attached is a copy of the Consent Judgment in the above case.

Nancy C. West, Esq.
Assistant County Attorney

NCW:sm
Attachment

JOSEPH LEHRER,
BERNADETTE LEHRER,
MICHAEL D. LEHRER,
CHARLES J. LEHRER, III,
Appellants
vs.
BALTIMORE COUNTY, MD.
Appellees

CASE NO. 88-CG-2293

56/293

CONSENT JUDGMENT

The matter of the Appeal in the above entitled case having come on for hearing on December 14, 1989, and an agreement for the entry of a Consent Judgment having been made in open court by Joseph Lehrer, Bernadette Lehrer, Michael D. Lehrer and Charles J. Lehrer, III, Appellants (hereinafter referred to as "Appellants"), and Baltimore County, Maryland, Appellee, (hereinafter referred to as "Appellee"), which agreement provides for certain rights to be extended to Eagle Nest Point Residential Community Association, Inc. which Association was represented by Counsel at the time of the hearing on December 14, 1989, it is this 14th day of December, 1989, by the Circuit Court for Baltimore County, ORDERED, BY CONSENT:

1) That on or before June 15, 1990, upon receipt of the necessary approvals from Baltimore County, Maryland, Appellants shall move their newly constructed modular home to a knoll area on their property within the red outlined area shown on the drawing attached hereto and made a part hereof, and shall remove the existing foundation of the aforesaid modular home from their property; and

2) That during the period from the date of the Consent Judgment until June 15, 1990 only, Appellants shall have the right to live in their newly constructed modular home at its present location as of the date of this Judgment at their sole risk, and thereafter, Appellants shall no longer reside in the aforesaid modular home at the aforesaid present location, and after June 15, 1990, Appellants are subject to any action, specifically including enforcement action, undertaken by Baltimore County relating to the aforesaid modular home at its aforesaid present location; and

3) That Eagle Nest Point Residential Community Association, Inc. shall support Appellants in their permit application to move the aforesaid modular home from its present location to the location as provided in paragraph (1) of this Consent Judgment, including any related proceedings in connection therewith; and

4) That within ninety days of the date of this Consent Judgment, Appellants shall tear down the old house presently situated on their property, and Appellants shall remove all debris in connection with the aforesaid demolition of said old house and any and all other debris or junk located on their property, including unlicensed vehicles; and

5) That Baltimore County shall inspect Appellants' property at the expiration of ninety days from the date of this Consent Judgment to determine Appellant's compliance with the debris and junk removal described in paragraph (4) immediately above, and Appellants shall timely comply with any further requirements regarding debris and junk removal as may be ordered by Baltimore County to satisfy the provisions of paragraph (4) of this Consent Judgment; and

6) That this Consent Judgment shall be enforceable by Appellee in the event of any alleged violations by Appellants; and

7) That this Consent Judgment shall be subject to the continuing jurisdiction of this Court; and

8) That the open court costs of these proceedings shall be paid by Baltimore County.

JAMES T. SMITH, JR.
JUDGE

FILED DEC 14 1989

EXHIBIT B

2) That during the period from the date of the Consent Judgment until June 15, 1990 only, Appellants shall have the right to live in their newly constructed modular home at its present location as of the date of this Judgment at their sole risk, and thereafter, Appellants shall no longer reside in the aforesaid modular home at the aforesaid present location, and after June 15, 1990, Appellants are subject to any action, specifically including enforcement action, undertaken by Baltimore County relating to the aforesaid modular home at its aforesaid present location; and

3) That Eagle Nest Point Residential Community Association, Inc. shall support Appellants in their permit application to move the aforesaid modular home from its present location to the location as provided in paragraph (1) of this Consent Judgment, including any related proceedings in connection therewith; and

4) That within ninety days of the date of this Consent Judgment, Appellants shall tear down the old house presently situated on their property, and Appellants shall remove all debris in connection with the aforesaid demolition of said old house and any and all other debris or junk located on their property, including unlicensed vehicles; and

5) That Baltimore County shall inspect Appellants' property at the expiration of ninety days from the date of this Consent Judgment to determine Appellant's compliance with the debris and junk removal described in paragraph (4) immediately above, and Appellants shall timely comply with any further requirements regarding debris and junk removal as may be ordered by Baltimore County to satisfy the provisions of paragraph (4) of this Consent Judgment; and

6) That this Consent Judgment shall be enforceable by Appellee in the event of any alleged violations by Appellants; and

7) That this Consent Judgment shall be subject to the continuing jurisdiction of this Court; and

8) That the open court costs of these proceedings shall be paid by Baltimore County.

JAMES T. SMITH, JR.
JUDGE

JTS/ss
Copy: Nancy C. West, Esq.
S. Eric Dinenna, Esq.
John Gontrum, Esq.

Chapter 4
Rainy Day Blues

Low rain water moves over and through the ground is important to those of us who have experienced flooded basements, wet yards, or broken septic systems. Solving the problems associated with surface water runoff and poorly drained soil is also important to improving the health of the Chesapeake Bay.

Rain from roofs and driveways runs off onto lawns and yards and destroying plants. Much of the soil washed off vacant lots and lawns is carried into streams and eventually reaches the Bay. This sediment smothers fish and shellfish. Nutrients, such as nitrogen and phosphorus from fertilizer in runoff, can cause excessive algae growth, using up oxygen needed by the Bay's aquatic life. This runoff may also contain pesticides, oil, antifreeze, and other substances toxic to life in the Bay.

Pollution also occurs when the soil is too wet to filter sewage outflow. Effluent can percolate into the groundwater without proper filtration, or it can rise to the surface and be carried into streams and drainage ways.

Dealing with Surface Runoff

In large tracts of land, controlling surface water flow (storm water management) is the developer's responsibility. There are inexpensive ways you can control excess runoff created by patios, driveways, sidewalks, and swimming pools. Whatever the soil drainage condition in your neighborhood, you can use swales, berms, and basins to control runoff on your property, reduce its speed, and increase the time over which the runoff is released. For example, land immediately adjacent to your house needs to have a downhill slope so that water does not seep through the foundation. Once the water has been carried ten feet from the house, you should regrade the surface so that runoff is released gradually.

Where drainage is good or where infiltration devices are in use, you can regrade the land to create a basin, which holds all runoff and allows it to infiltrate the soil over a longer period of time. The effectiveness of a basin depends on the soil's ability to absorb and filter the surface water. Soils with less than two feet of depth to bedrock or one foot of depth to a seasonally high water table, soil having a high clay content or a clay hardpan beneath the surface, and low-lying soil that receives runoff from a large land area may not have sufficient infiltration capacity. When you try to retain runoff in these situations, the soil will rapidly become saturated, and rainfall that should filter down through the soil will collect on the surface and either create health, safety, and use problems or move across the surface as excess runoff.

Be on the lookout for small wet patches in your yard. These wet spots mean that the soil around your house has settled and surface water is collecting on the ground. Plant growth is usually poor in these areas and erosion often occurs. Filling these pockets with topsoil and seeding them with grass will usually solve the problem by slowing water flow on its natural path.

In some instances, you may be able to correct an existing wet soil problem by creating a system of berms and swales around your yard. When it's not feasible to avoid a wet area, you may be able to move it to a less used area of the yard around shrubs or trees. For example, by installing a swale to carry the water across the yard. Plant the new

Basement runs downhill - some filtering through the soil, some running directly into nearby streams. By encouraging runoff to move slowly across the soil so most of it filters into the ground, you will help prevent erosion problems.

D R A I N A G E

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

June 11, 1990

S. Eric Dinenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
E/S Engleberth Road, 1060' +/- SW of Holly Neck Road
(1117 Engleberth Road)
15th Election District - 5th Councilmanic District
Charles Lehrer, et al. - Petitioner
Case No. 89-483-A

Dear Mr. Dinenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: John O. Hennegan, Esquire and John B. Gontrum, Esquire
809 Eastern Boulevard, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM
People's Counsel

AMENDED
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-483-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A-04.3 B.3. 52 PERMIT A. BACKSLOPE OF 25 FEET from center line of road in lieu of required 75 feet; Section 400.1 to permit an accessory structure in the side yard in lieu of the required rear yard, and 1804.3.3.3 to allow a rear yard setback of 35' in lieu of the required 50'.

1) Existing accessory structure
2) Wet land restrictions
3) Shape of property
4) Court Order
5) Other reasons to be presented at Hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of the Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Charles Lehrer
(Type or Print Name)
Signature
Alice Lehrer
(Type or Print Name)
Signature

Attorney for Petitioner:
S. Eric Dinenna, Esquire
(Type or Print Name)
Signature
Address
City and State

409 Washington Ave., Suite 600
Towson, Maryland 21204
City and State

Name, address and phone number of legal owner, constructed purchaser or representative to be contacted
S. Eric Dinenna, Esquire
409 Washington Ave., Suite 600
Towson, MD 21204, 296-6820
City and State

Attorney's Telephone No.: 296-6820

ORDERED BY The Zoning Commissioner of Baltimore County, this 30th day of March 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of May, 1990, at 2 o'clock P.M.

Zoning Commissioner of Baltimore County

Phone: 687-6922

FRANK S. LEE 89-483-A
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

January 25, 1990

Engleberth Road
15th District Baltimore County, Maryland

REVISED PLANS

Beginning for the same on the east side of Engleberth Road at the distance of 1060 feet more or less measured along the east side of Engleberth Road from the south side of Holly Neck Road, thence running and binding on the east side of Engleberth Road as follows: South 17 degrees 38 minutes West 533.59 feet and South 29 degrees 41 minutes East 116.88 feet, thence leaving Engleberth Road for lines of division as follows: South 17 degrees 57 minutes East 161.70 feet, North 8 degrees 02 minutes West 200 feet, North 34 degrees 09 minutes East 300 feet, North 38 degrees 51 minutes West 100 feet, North 26 degrees 09 minutes East 181.68 feet and North 74 degrees 42 minutes West 85.23 feet to the place of beginning.

Containing 1.40 acres of land more or less.

ok

SEAL OF BALTIMORE COUNTY

Tracking System
Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date Receipt FEE
Day Month Year Number TYPE Identification Number Council District Election District Zip Code

150229 065839 01 - 1521221

Petitioner: Dinenna RS #RC (Last) (First) (Middle Initial)

Property Address: 1117 Engleberth Rd (Number) (Street) (Apt)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 15 Feb 89 ACCOUNT: R-01-615-000

AMOUNT: \$35.00

RECEIVED BY: ERIC DINENNA 395cm

FOR: VARIANCE T-01-#311

8 8 *****350016 *****

VALIDATION ON SIGNATURE OF CAPTION

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 2, 1990

TO: David Flowers, Chesapeake Bay Critical Area, MS 3404
FROM: G. G. Stephens, Zoning Office, MS 1110

Re: Charles Lehrer Property
1117 Engleberth Road
Case Number: 89-483-A

Dear Dave:

With reference to the above captioned case, enclosed please find the following:

- 1) Copy of your comments dated April 26, 1989.
- 2) Copy of correspondence dated March 29, 1989 from Robert Shewley to Nancy West.
- 3) Copy of the Amended Petition filed on 3/30/90.
- 4) Copy of the Revised Plans.
- 5) Copy of the Hearing Notice setting this case for hearing on May 18, 1990 at 10:00 AM.

G. G. Stephens
A3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3353
J. Robert Halnes
Zoning Commissioner

March 28, 1990

S. Eric DiNenna, Esq.
P. O. Box 10508
Towson, Maryland 21285-0508

Re: Case Number: 89-483-A
Your Client: Charles Lehrer
Location: 1117 Engleberth Road

Dear Mr. DiNenna:

This will acknowledge and thank you for your correspondence of March 22, 1990, wherein you enclosed a check in the amount of \$35.00, covering the revision fee with regard to the above captioned matter.

Please be advised that I am currently holding May 18, 1990 open for the hearing of this case. Scheduling conflicts existing in the calendars of this office, the hearing room, Mr. Gontrum and yourself, leave this as the only viable date in May.

However, I am able to hold this date no longer than April 13, 1990. As such, it is suggested that you and Frank Lee contact Ms. Kate Milton at your earliest opportunity. Ms. Milton has reviewed the plans and can inform you as to those changes and/or additions needed so that this matter can go forward before June of this year.

Very truly yours,

G. G. Stephens
(301) 897-3391

cc: John B. Gontrum, Esq.
Nancy West, Esq.
Mr. Frank Lee
Ms. Kate Milton
File

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER
FRANCIS X. BONGERDING, JR.

P.O. BOX 10508
TOWSON, MARYLAND 21285-0508
SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

March 22, 1990

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-483-A
Engleberth Road
My Clients: Lehrer

Dear Madam Commissioner:

Enclosed herewith please find a check made payable to Baltimore County, Maryland, in the amount of \$35.00 covering the cost of the filing of the Amended Petition concerning the above-captioned matter.

Again, I request that this matter be set for hearing as soon as possible. We are under limited constraints per Court Order of Judge James Smith of the Circuit Court for Baltimore County.

As you recall, you heard variance requests concerning this, but these requests are being changed as per the Amended Petition and Plans. It does not seem necessary to wait the rule of no less than thirty, no more than ninety days, to hear this matter.

I would respectfully request that you have your office contact me, as well as Mr. Gontrum who represents the Protestants in this matter, to get a date that would not be in conflict with all parties involved.

Thank you for your cooperation.

Very truly yours,

S. ERIC DINENNA

SED:cjc
Enclosure
cc: John Gontrum, Esquire
Mr. and Mrs. Charles Lehrer

RECEIVED
MAR 23 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

DATE: March 2, 1990

TO: Gwendolyn Stephens
Docket Clerk

FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner

SUBJECT: Petition for Zoning Variance
2/S Engleberth Road, 1060' SW of Holly Neck Road
(1117 Engleberth Road)
15th Election District - 5th Councilmanic District
Charles Lehrer, et ux - Petitioners
Case No. 89-483-A

Please be advised that an amended Petition for Zoning Variance has been received for the above-captioned matter. After it has been reviewed for sufficiency by Kate Milton, please obtain a hearing date that is mutually convenient for both Eric DiNenna, Esquire, the Petitioners' attorney, and John B. Gontrum, Esquire, attorney for the Protestants. Also, please contact Nancy West, Assistant County Attorney, to see if she would like to be present at the hearing and thereafter, send a confirmation letter to all parties of the scheduled hearing date.

Further, when you speak with Mr. DiNenna, please advise him that I have instructed you to readvertise and repost the subject property.

Thank you for your assistance in this matter and if you should have any questions, please do not hesitate to contact me.

AMN:bjs

cc: Case File

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER
FRANCIS X. BONGERDING, JR.

P.O. BOX 10508
TOWSON, MARYLAND 21285-0508
SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

February 27, 1990

Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
Zoning Commissioner's Office
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-483-A
Engleberth Road
My Clients: Lehrer

Dear Madam Commissioner:

Enclosed herewith please find the Amended Petition, as well as plans and descriptions, concerning the above-captioned matter.

This is in accordance with my previous correspondence to you and as per a Court Order of Judge James Smith of the Circuit Court for Baltimore County.

Please advise me as to when a hearing might take place in this matter.

Very truly yours,
S. ERIC DINENNA

SED:cjc
Enclosure
cc: Nancy West, Esquire
John B. Gontrum, Esquire
Mr. and Mrs. Charles Lehrer

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

DATE: January 4, 1990

TO: Gwen Stephens
Docket Clerk

FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner

SUBJECT: Charles Lehrer Property
1117 Engleberth Road
Amended Petition
(Prior Case No. 89-483-A)

In accordance with the attached correspondence dated January 4, 1990 to S. Eric DiNenna, please find the above-referenced case file pending receipt of an accepted amended Petition.

At the time of scheduling the matter in for a hearing, please be sure to contact both Mr. DiNenna and John B. Gontrum, Esquire, Counsel for the Protestants, in advance to insure there is no conflict in scheduling. Also, please note on the Notice of Hearing that the scheduled date was agreed upon by both attorneys.

Thank you for your assistance in this matter and if you have any questions on the subject, please see me.

AMN:bjs

cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3353
J. Robert Halnes
Zoning Commissioner

January 4, 1990

S. Eric DiNenna, Esquire
Mercantile Towson Building, Suite 600
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
2/S Engleberth Road, 1060' +/- SW of Holly Neck
(1117 Engleberth Road)
15th Election District - 5th Councilmanic District
Charles Lehrer, et ux - Petitioners
Case No. 89-483-A

Dear Mr. DiNenna:

In response to your letter dated December 15, 1989 on the above-captioned matter, please be advised that the subject case file shall be returned to the Development Control Section to permit Petitioners to file an amended Petition. Please have your clients make an appointment with the Zoning Office to file their amended Petition. Upon acceptance of the amended Petition for filing, the matter will be set in for a hearing by the Docket Clerk and a Notice of Hearing issued.

Thank you for your consideration in this matter and should you have any questions in the meantime, please do not hesitate to contact me.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: John B. Gontrum, Esquire
809 Eastern Boulevard, Baltimore, Md. 21221

Nancy West, Esquire
Gwendolyn Stephens, Docket Clerk
Gary Freund, Zoning Enforcement
Case File

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER
FRANCIS X. BONGERDING, JR.

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TOWSON, MARYLAND 21285-0508
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TELEFAX (301) 296-6884

December 15, 1989

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-283-A
Lehrer, Petitioner

Dear Ms. Nastarowicz:

This is to confirm my conversation of Thursday, December 14, 1989, wherein I requested that a decision not be made with the present Petition concerning the above-captioned matter.

I informed you that we appeared in front of Judge Smith and that a Consent Order was entered into between the parties giving us six (6) months to rectify the situation.

As part of that Order of Court, we are compelled to move the existing structure a certain distance on the property and accordingly, it appears that other variances will be necessary.

Accordingly, I request you not make a decision in the pending matter at this time and afford us the opportunity to amend the Petition and to submit new plans as soon as possible.

I would also ask pursuant to Judge Smith's Order that we expeditiously have this matter heard as quickly as possible.

Thank you for your cooperation.

Very truly yours,
S. ERIC DINENNA

SED:cjc
cc: John B. Gontrum, Esquire
Nancy West, Esquire
Mr. and Mrs. Charles Lehrer

RECEIVED
DEC 18 1989
ZONING OFFICE

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
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RECEIVED
NOV 20 1989
ZONING OFFICE

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-483-A
Lehrer, Petitioner

Dear Ms. Nastarowicz:

I am in receipt of Mr. Gontrum's letter of November 9, 1989.

I hope I did not mislead anyone in my letter to you dated November 3, 1989.

Of course I am not requesting that you deny the variance, but to grant the variance as petitioned for. No where on this subject property can a house be built without the acquisition of a setback variance. This is the hardship & difficulty upon the owner of the property.

Mr. Gontrum is referring to the location of the building and that a variance be granted for same. Obviously it appears that that would require an amended petition for a variance and another hearing.

Accordingly, I would request that you hold in abeyance the decision concerning the subject request but if you feel, in the instant matter, that a variance should be granted, that you grant same and submit your opinion and order accordingly. If you feel that you would prefer that DEPRM make the final decision as to the location of the building, then it appears that you might have to wait for their decision.

Any questions you may have, please contact me.

Very truly yours,

S. ERIC DINENNA

SED:cjc
cc: John B. Gontrum, Esquire
Nancy West, Esquire
Mr. and Mrs. Charles Lehrer

LAW FIRM
Romada, Gontrum & Hennigan, P.A.
WASHINGTON FEDERAL BUILDING
800 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 686-8274
FAX 686-0118

RECEIVED
NOV 14 1989
ZONING OFFICE

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-483-A
Lehrer, Petitioner

Dear Ms. Nastarowicz:

I am in receipt of Mr. DiNenna's letter of the third instant. Frankly, I am not sure that I understand what Mr. DiNenna is asking you to do. Apparently, he is not seeking to amend his request for a zoning variance at this time, yet he appears to be stating that the house should not be flipped as suggested by the variance but allow to remain where it is. If he is asking that you deny his zoning variance as seems to be the case, we are in complete accord with it. It would appear to me that any modification of his variance request would require new posting and advertising.

We would like further clarification from Mr. DiNenna as whether his client is modifying his request or dropping the variance request all together. It would not make sense, from our stand point, to have this case dismissed and to file an all new variance case presented if that is their intent and perhaps a meeting of counsel would be appropriate at this time.

Very truly yours,

John B. Gontrum

JBG:kb
cc: Eric DiNenna, Esquire
Eagle Nest Point Residential Community Association, Inc.

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
P.O. BOX 10508
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TELEFAX (301) 296-6884

October 5, 1989

Ms. Ann Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-483-A
Lehrer, Petitioner

Dear Ms. Nastarowicz:

In accordance with our previous correspondence, this is to advise you that I met with the County Attorney and with counsel for the Protestants as well as representatives of DEPRM on October 5, 1989 with reference to the above captioned matter.

There is to be continued conversations and accordingly, I request that you would not make a decision concerning the Petition for Variances at this time.

I will keep you apprised of developments as they occur.

Very truly yours,

S. ERIC DINENNA

SED:gak
cc: Nancy West, Esquire
John Gontrum, Esquire
Mr. and Mrs. Lehrer

RECEIVED
OCT 6 1989
ZONING OFFICE

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
P.O. BOX 10508
TOWSON, MARYLAND 21285-0508
SUITE 600
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TELEFAX (301) 296-6884

September 20, 1989

Ms. Ann Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-483-A
1117 Endleberth Road

Dear Ms. Nastarowicz:

Please refer to my letter of September 12, 1989, in response to Mr. Gontrum's letter, etc.

I think in this very unique situation, it is imperative that you conduct a meeting between all parties. This matter is set for trial before the Circuit Court on alleged zoning violation in the near future and is imperative that the Commissioner conduct this meeting and make a decision relative to the petition filed and to the variances necessary for the construction of a house as per the property owner's rights.

If you have any questions, please contact me.

Very truly yours,

S. ERIC DINENNA

SED:gak
cc: Nancy West, Esquire
Mr. Robert Sheesley
Mr. John B. Gontrum
Mr. Charles Lehrer

RECEIVED
SEP 21 1989
ZONING OFFICE

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
P.O. BOX 10508
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SUITE 600
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TOWSON, MARYLAND 21204
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TELEFAX (301) 296-6884

September 12, 1989

Ms. Ann Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-483-A
1117 Engleberth Road

Dear Ms. Nastarowicz:

I am in receipt of a copy of a letter dated September 7, 1989 from Mr. Gontrum to you, concerning the above-captioned matter.

It is my recollection that you wanted to have a meeting with DEPRM, the County Attorney, and all concerned, concerning this matter.

Please advise me as to whether or not you wish to have this meeting and it would be my suggestion that such a meeting take place. My clients maintain that this property cannot be developed without a variance being granted. They have an absolute right to develop but because of the wet lands, setback requirements of the zone could not be maintained. This is the hardship and difficulty that they have encountered.

Very truly yours,

S. ERIC DINENNA

SED:cjc
cc: Nancy West, Esquire
Mr. Robert Sheesley
Mr. John B. Gontrum
Mr. Charles Lehrer

LAW FIRM
Romada, Gontrum & Hennigan
WASHINGTON FEDERAL BUILDING
800 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 686-8274
FAX 686-0118

RECEIVED
SEP 11 1989
ZONING OFFICE

Ms. Ann Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-483-A
1117 Engleberth Road

Dear Ms. Nastarowicz:

I am in receipt of Mr. DiNenna's letter of September 5, 1989 with respect to the above referenced matter. We have made several proposals to Mr. DiNenna, all of which his clients have rejected. Our last proposal was even based on conversation and suggestions from Mr. DiNenna. Consequently, we do not know what would be served by further meetings on this matter and we have met with Mr. DiNenna and his client on numerous occasions. If he has additional proposals at this time, we would appreciate knowing about them so as not to further prolong this matter.

Very truly yours,

John B. Gontrum

JBG:kb
cc: S. Eric DiNenna, Esquire
Nancy West, Esquire
Mr. Robert Sheesley

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
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TELEFAX (301) 296-6884

September 5, 1989

Ms. Ann Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-483-A
Lehrer/Petitioner
1117 Engleberth Road

Dear Madam Commissioner:

As you recall, a hearing took place on the above-captioned matter on May 30, 1989, concerning certain variances that were requested by the Petitioners.

At the end of that hearing, as I recall, you indicated that it would be to everyone's advantage to conduct a meeting with all participants as well as DEPRM.

Accordingly, I would request, within your authority as Deputy Zoning Commissioner, that you call a meeting between yourself, myself as well as my clients, representatives of DEPRM, the Assistant County Attorney, and Mr. Gontrum or Mr. Hennigan, representing the Protestants in this matter.

Would you be so kind as to advise me of your wishes in this matter.

Very truly yours,

S. ERIC DINENNA

SED:cjc
cc: Nancy West, Esquire
Mr. John Gontrum
Mr. Robert Sheesley
Mr. and Mrs. Charles Lehrer

RECEIVED
SEP 6 1989
ZONING OFFICE

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
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TELEFAX (301) 296-6884

June 16, 1989

Department of Environmental Protection
and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

ATTN: Robert W. Sheesley
Director

RE: 1117 Engleberth Road
Petition for Variance
Case No.: 89-483-A

Dear Mr. Sheesley:

A hearing took place before the Deputy Zoning Commissioner recently with reference to the above-captioned matter.

Your staff is familiar with this request and it was suggested by the Deputy Zoning Commissioner that we confer with you and/or your staff as well as the other parties below mentioned.

Accordingly, I would respectfully request that you have a member of your staff contact me after June 26, 1989, to set up a meeting with all parties to discuss this matter.

I appreciate your cooperation.

Very truly yours,

S. ERIC DINENNA

SED:cjc
cc: The Honorable Ann M. Nastarowicz
Nancy C. West, Esquire
John Gontrum, Esquire
Mr. and Mrs. Charles Lehrer

JUN 19 1989

BALTIMORE COUNTY OFFICE OF PLANNING ZONING
County Office Building
111 N. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
19th day of April 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Charles Lehrer, et ux
Petitioner's Attorney: S. Eric DiNenna

Received by: *James E. Dyer*
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

March 28, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic has no comments for items number 289, 291, 316, 333, 334, 339, 340, 342, 343, 344, 345, 346, 347, 348, 349, 351, 356, and 357.

Very truly yours,
Michael J. Planigan
Michael J. Planigan
Traffic Engineer Associate II

MSP/lab

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 4, 1989

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21204

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 345, Case No. 89-483-A
Petitioner: Charles Lehrer, et ux
Petition for Zoning Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULE WINKARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Charles Lehrer
1117 Engleberth Road
Baltimore, MD 21221

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
MAY 2 1989

TO: Mr. J. Robert Haines
FROM: David Flowers
SUBJECT: Request for Zoning Variance - Item 345
Charles Lehrer Property

DATE: April 26, 1989

The Department of Environmental Protection and Resource Management, (Environmental Impact Review Section) and Chesapeake Bay Critical Area Program Review Section) is unable to approve the above referenced zoning request as originally submitted because of adverse impacts to wetlands on site.

The Environmental Impact Review Section requested a revised site plan and zoning var/ a application on February 22, 1989. These revisions must show measures which would reduce the impact to the wetlands and also bring the request into compliance with Baltimore County Chesapeake Bay Critical Area Development Regulations. Enclosed is a letter written by Mr. Robert Sheesley, Director, Department of Environmental Protection and Resource Management, outlining this request.

As of this date we have not received the revised site plan and zoning variance request.

We will keep you advised of any changes in the status of this request. Please call me at K3980 if you have any questions or if I can be of assistance.

James B. Outen
David Flowers, Program Coordinator
Chesapeake Bay Critical Area

DF:KC:ju
cc: Janice Outen

RECEIVED
MAY 1 1989
OFFICE OF LAW

5-13-90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Case #89-483-A
Lehrer Property
Chesapeake Bay Critical Area Findings

DATE: May 15, 1990

RECEIVED
MAY 6 1990
ZONING OFFICE

SITE LOCATION

The subject property is located at 1117 Engleberth Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Charles Lehrer

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A04.3.B.3. of the Baltimore County Zoning Regulations to permit "a setback of 25 feet from centerline of road in lieu of required 75 feet; section 400.1 to permit an accessory structure in the side yard in lieu of the required rear yard; and section 1A04.3.B.3 to allow a rear yard setback of 35 feet in lieu of the required 50 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

COMAR 14.15.10.01.D

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Nancy West, Office of Law
FROM: Mr. Robert W. Sheesley
SUBJECT: Joseph Lehrer
Case #89-483-A

Date: March 29, 1989

A recent field visit was made by staff of the Department of Environmental Protection and Resource Management to the Lehrer property to resolve the problems associated with a zoning request received February 17, 1989. Relocation of the modular home is proposed, and the acceptable location agreed to in the field is to shift the structure and foundation 25' southward. Wetlands restoration will be required and details are to be reviewed and approved by this office. A revised zoning request is forthcoming.

Robert W. Sheesley
Robert W. Sheesley, Director
Environmental Protection and
Resource Management

RWS:LH:sp

CPS-008

Memo to Mr. J. Robert Haines
May 15, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

Findings: The proposed house is located as far as possible from the tidal wetlands of Browns Creek without also impacting an existing forested area on the property. Approximately 50 feet remain undisturbed between the proposed house and the tidal wetlands. This area shall remain undisturbed and shall be designated as the tidal buffer.

2. Regulation: "The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 22-214, vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" (Baltimore County Code, Section 22-213 (d)).

Findings: A Circuit Court order under Case No. 89-CG-2293 (see attached) required that the existing house and foundation be removed. This existing structure has severely impacted the tidal wetlands buffer. After the removal of the existing house and foundation the property owner shall not disturb any land area within 50 feet of the tidal wetlands. This buffer area shall remain undisturbed and left to grow back into its natural state.

3. Regulation: "For the alteration of forest or developed woodlands as delineated on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs:

- (1) No more than 20% of the sum of all forest and developed woodland may be cleared, and this shall be replaced by afforestation on a 1:1 acreage basis. An additional 10% of the forest or developed woodland may be cleared provided in such case, however, that every acre of forest or developed woodland cleared shall be replaced by 1.5 acres of afforestation.
- (2) Forest or developed woodland cleared in LDAs shall be replaced in LDAs, R.C. 20, or R.C. 50 Zones. Forest or developed woodland removed in the R.C. 20 or R.C. 50 Zones shall be replaced only in R.C. 20 or R.C. 50 Zones.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
DATE: May 25, 1989

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case # 89-483 A
Item # 345

Re: Charles Lehrer, et ux

The Petitioner should comply with requirements of the Department of Environmental Protection and Resource Management (including Critical Area) to minimize environmental impact.

A:53089.txt Pg. 4

Memo to Mr. J. Robert Haines
May 15, 1990
Page 3

(3) The forest or developed woodland cleared shall be replaced according to an approved forest establishment plan. If the configuration of the site precludes on-site replacement, it is the applicant's responsibility to secure an off-site area suitable for afforestation and in compliance with d(1) and d(2) preceding. If an appropriate off-site area cannot be located or secured, the County will allow the applicant to pay a fee-in-lieu.

Findings: A portion of this property is designated as forested on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs. The proposed location of the house does not disturb any of this existing forest. No clearing of the existing forest shall be allowed.

4. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" (COMAR 14.15.02.04 C.(7)).

Findings: This proposed house does not cause the sum of impervious areas to exceed 15% of the lot. At no time shall the sum of impervious areas exceed 15% of the lot.

5. Regulation: "The stormwater management system shall be designed so that:

- (1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;
- (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
- (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" (Baltimore County Code, Section 22-217(h)).

Findings: Rooftop runoff shall be directed through downspouts and into ditch drains or seepage pits (see attached information). This shall maximize the infiltration of stormwater rather than directing flow to single discharge points.

Memo to Mr. J. Robert Haines
May 15, 1990
Page 4

CONCLUSION

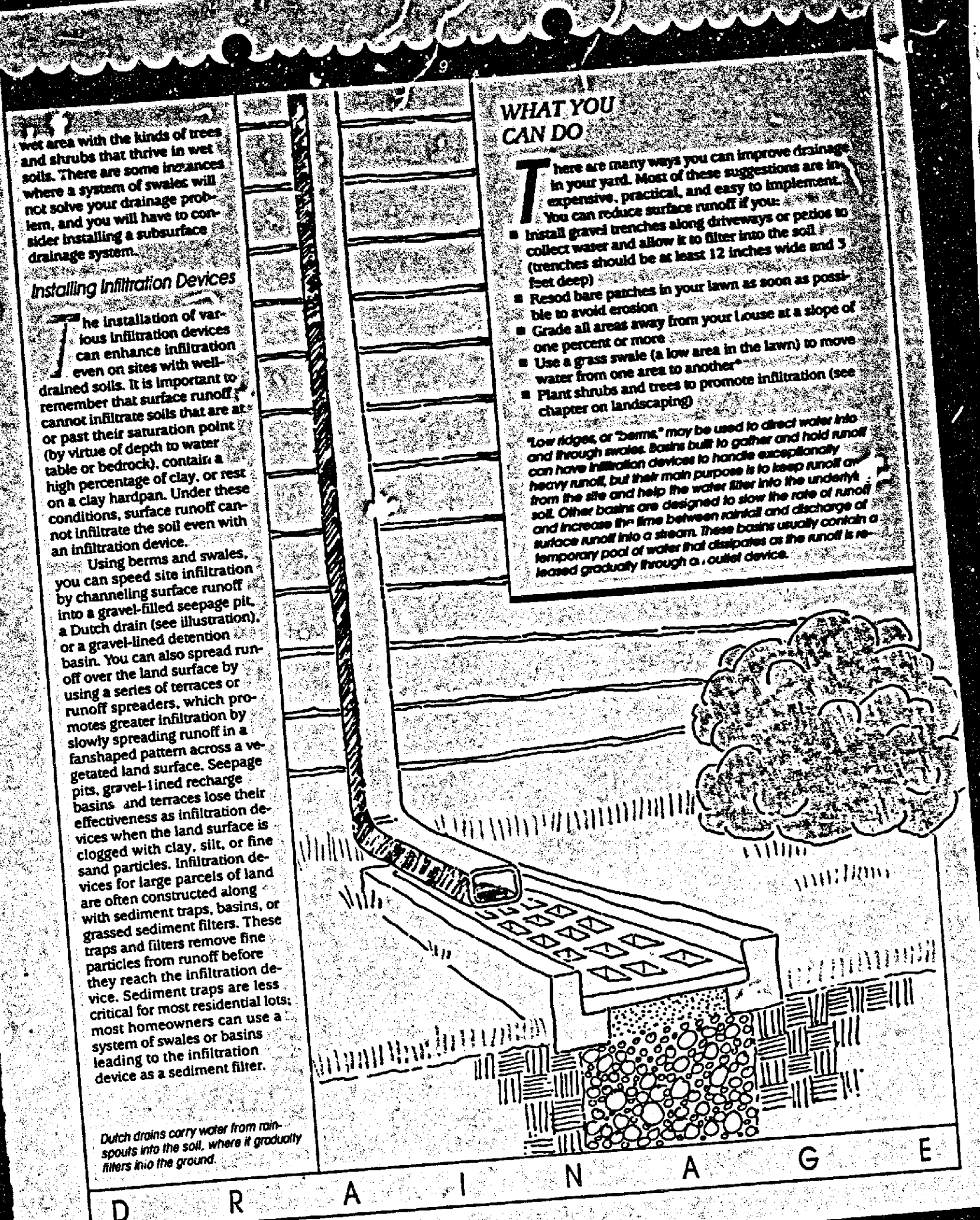
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen



BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

3/23/89

Zoning Commission
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #345 Zoning Advisory Committee Meeting of Feb 28, 1989

Property Owner: Charles Lehrer, et al. District: 15

Location: E/S Engleberth Rd. Sewage Disposal: Private

Water Supply: Public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a building permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathroom, saunas, whirlpools, hot tubs, water and sewerage facilities or other appliances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Water and Sewer.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test _____ shall be valid until _____.
- () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the probability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3900.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the regulations please contact the Land Development Section at 887-2762.
- () Other: *As stated, must comply with all conditions as stated in attached Consent Agreement, dated 10-17-88. Defendants will be required to either restore or replant wetlands regardless of location of models. have.*

CP 2/28/89
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Fire Department
Towson, Maryland 21204-2506
494-4500

Paul H. Reicks
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Charles Lehrer, et al.
Location: ES of Engleberth Road (#1117)
Item No.: 345 Zoning Agenda: February 28, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *CP 10/26/88 2/27/89*
Planning Group
Special Inspection Division

NOTED & APPROVED: *CP 10/26/88 2/27/89*
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND,
a body corporate and politic

Plaintiffs

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Case No. 88-06-2991

JOSEPH LEHRER, et al.
Defendants

PROTESTANT'S EXHIBIT 2

CONSENT AGREEMENT

This Agreement made this 27th day of September, 1988, by and between Baltimore County, Maryland (hereinafter referred to as the "County"); Joseph Lehrer, et al. (hereinafter referred to as "Defendants"); and Eagle Nest Point Residential Community Association, Inc. (hereinafter referred to as "Association");

WITNESSETH,

WHEREAS, the County has brought a civil action for enforcement of its building, zoning, and health codes against the Defendants; and,

WHEREAS, a judgment was entered against the Defendants in the District Court of Maryland on April 18, 1988, which judgment Defendants have appealed de novo to the Circuit Court for Baltimore County; and,

WHEREAS, the parties hereto have agreed to continue said proceedings for a period of not more than six months subject to the terms and conditions contained herein. However, if the Defendants are diligently pursuing variances and permits as stated herein, this Agreement may be extended for an additional period of not more than three months.

NOW, THEREFORE, the parties agree as follows:

1. The Defendants agree to move the dwelling, which is the subject of these proceedings to the knoll on the lot where it is now located and remove all footings and foundations at its existing location.
2. The Defendants agree to apply for all zoning variances and permits necessary to effectuate the move within 30 days of the date of this Agreement.
3. The Defendants agree to comply with all reasonable restrictions and requirements suggested by the Department of Environmental Protection and Resource Management (hereinafter referred to as "DEPRM"), including but not limited to restoration of wetlands and grading of properties.
4. The Defendants agree to relocate and install the existing septic tank(s) to such location as may be determined by DEPRM and to construct a single system in accordance with all existing State and County regulations.
5. The Defendants agree that the new house shall be constructed in compliance with all State and County code requirements.
6. The Association agrees that it will not object to any zoning variance applications nor any other applications for the new house as now constituted and will not appeal any zoning variance granted for the construction of the new dwelling as now constituted on the knoll as depicted on the

site plan attached hereto and made a part hereof.

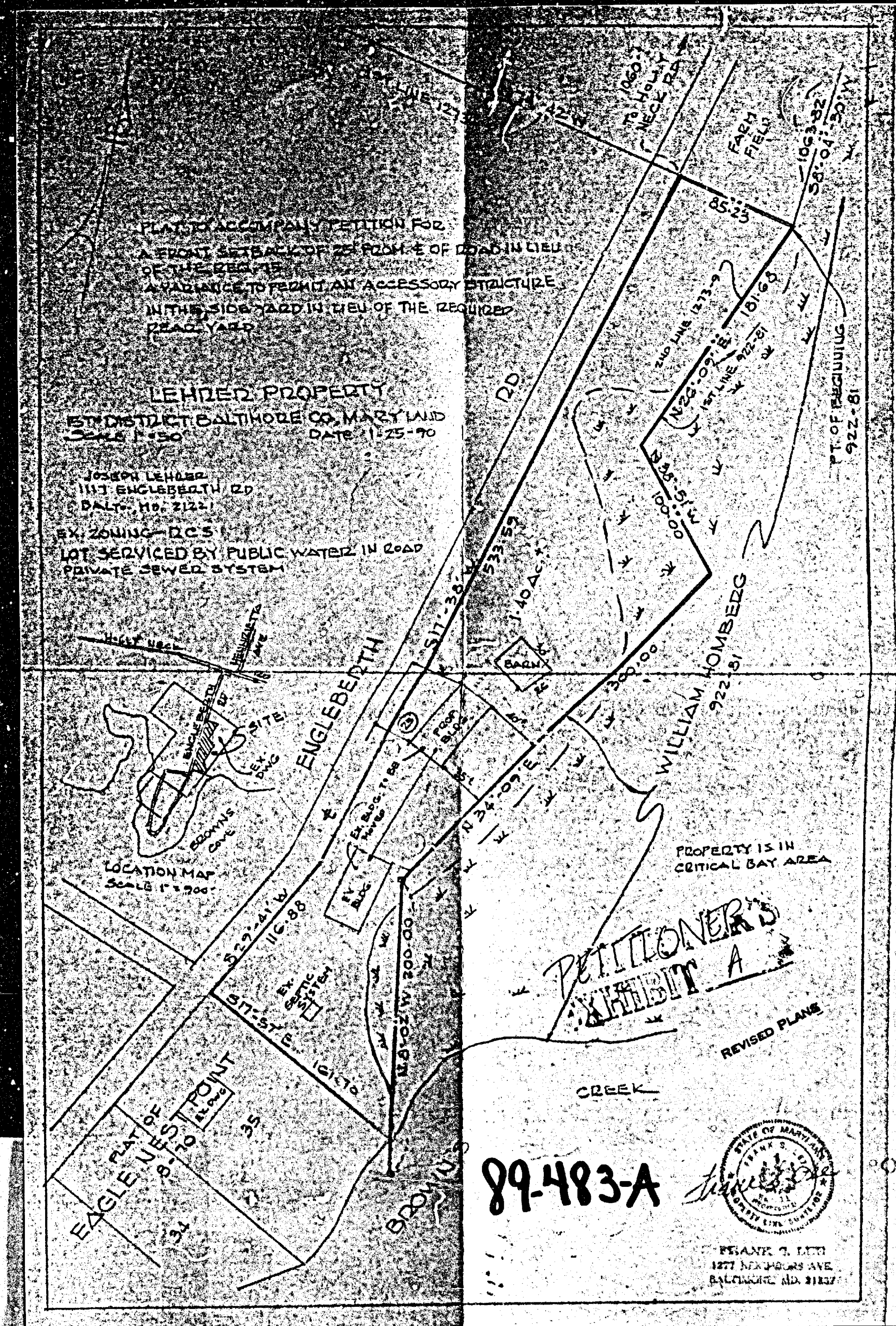
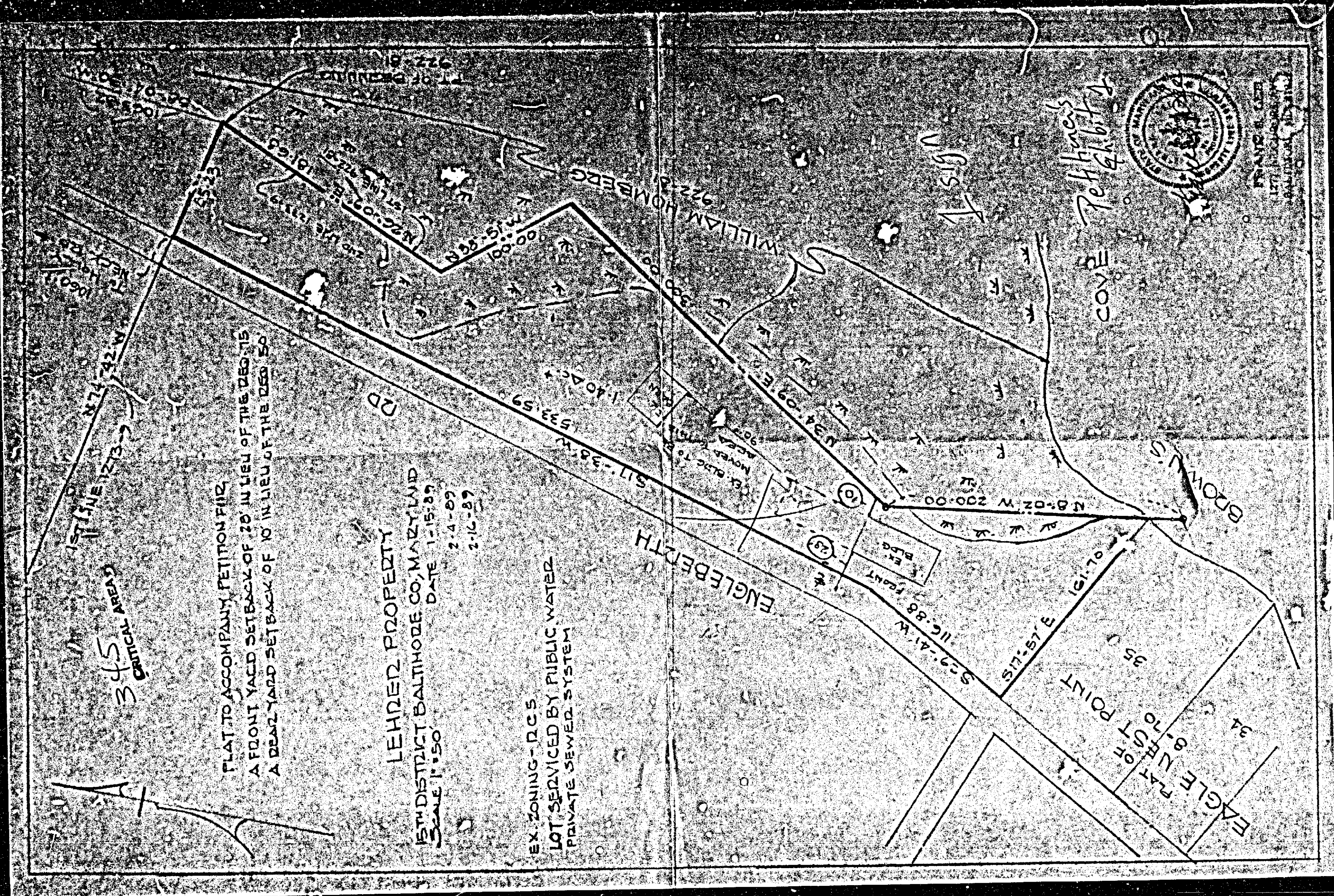
7. With respect to the dwelling located at 1117 Engleberth Road, Defendants agree to disconnect all water and sewer from said dwelling upon construction of the new house and to remove all plumbing fixtures from said premises if required by Baltimore County, Maryland.
8. Upon construction of the new house, Defendants shall cease to use the dwelling located at 1117 Engleberth Road for human or animal habitation of any sort and agree that it shall be used for residential storage purposes only until such time as public sewer becomes available to the site and the County grants permits for its conversion or construction of a new dwelling.
9. The Defendants agree that no accessory structures, barns or sheds, or outside storage, including but not restricted to debris and the inoperative 28-ft. cabin cruiser named "Captain Seaweed," shall at any time exist before or after completion of the new house, between the new house and the dwelling at 1117 Engleberth Road. All outside storage of debris and the aforementioned cabin cruiser shall be removed within 60 days.
10. The Defendants agree that regardless of any determination of Court or by the County, no livestock or domestic animals will be stored at any time between the new house and the existing dwelling at 1117 Engleberth Road or any place on the property improved by 1117 Engleberth Road.

11. The Defendants agree to commence improvements to the exterior of 1117 Engleberth Road within 30 days of the date hereof, including but not exclusively, improvements to the pitched roof and siding of said building; said improvements to have a cost of not less than \$5,000; said improvements shall be completed by December 1, 1988. Any siding placed on the building shall be of the same color and quality as the new house and shall be completed in a manner showing professional workmanship acceptable to the trade. The siding shall go from the roof to the top of the foundation. The foundation shall be parged and faced with cement facing.
12. The Defendants agree to remove all commercial and construction equipment from any lot which they individually or collectively own on Engleberth Road except such equipment as may be directly related to the construction of the new house or improvements to the building at 1117 Engleberth Road.
13. In the event of noncompliance with the terms of this agreement, the parties hereto agree that this case will immediately be set for trial before the Circuit Court and that any party deemed in noncompliance with the terms of this Agreement shall be responsible for all costs including reasonable attorney's fees of the other parties hereto, and compliance or noncompliance with this Agreement may be used as evidence in any proceeding between the parties.
14. This Agreement shall inure to the benefit of the

-2-

-3-

-4-



heirs, successors, and assigns of the parties hereto for a period of 10 years or until such time as public sewer is available, whichever occurs first.

15. The County agrees upon the satisfactory completion of the terms herein to dismiss with prejudice its Petition for Injunction.

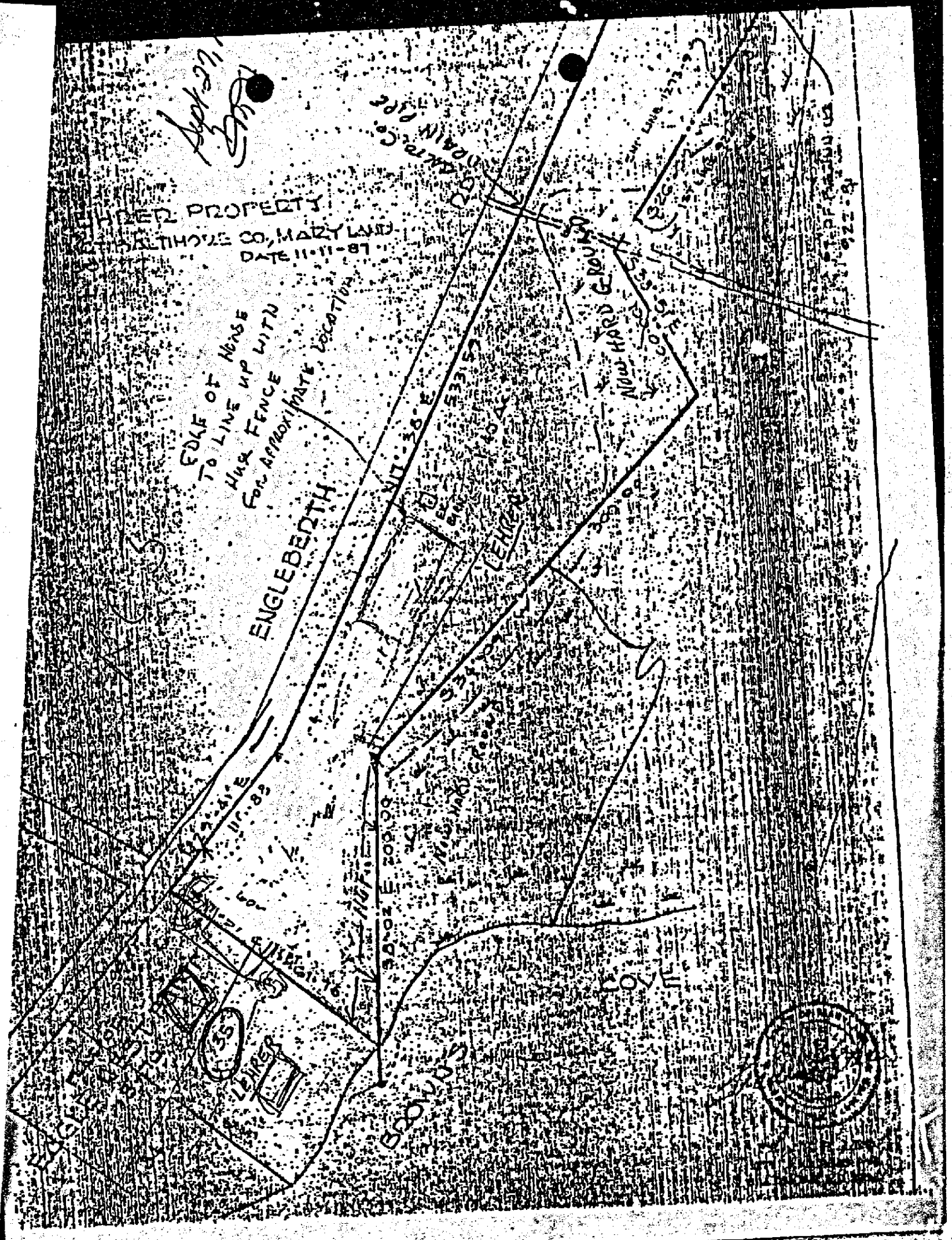
16. Paragraphs 6, 8, 9, 10, and 12 shall survive dismissal of the County's Petition for Injunction and may be enforced by any party hereto.

17. This Agreement may be recorded among the Land Records of Baltimore County by any party hereto at his expense.

JOSEPH LEHRER
BENJAMIN LEHRER
MICHAEL D. LEHRER, a minor,
by Joseph Lehrer, Father and
Next Friend
CHARLES F. LEHRER, III, a
minor, by Joseph Lehrer,
Father and Next Friend

ARNOLD JABLON
County Attorney
NANCY C. WEST
Assistant County Attorney
Courthouse, Second Floor
Towson, Maryland 21204
494-4420
Attorneys for
Baltimore County, Maryland

EAGLE NEST POINT RESIDENTIAL
COMMUNITY ASSOCIATION, INC.
By: *[Signature]*
President
By: *[Signature]*
Vice President



21221.
Continuum, Esquire, 809 Eastern Boulevard, Baltimore, Maryland
Avenue, Suite 600, Towson, Maryland 21204, and John B.
delivered to S. Eric Blum, Esquire, 409 Washington
1988, a copy of the foregoing Consent Agreement was hand
I HEREBY CERTIFY, that on the 17th day of September,
CERTIFICATE OF SERVICE
NANCY C. WEST
Assistant County Attorney

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE
TO: John Ralston, Permits & Licenses DATE: October 17, 1988
FROM: Office of Law
SUSPECT: Baltimore County, Maryland v.
Joseph Lehrer, et al.
Attached is a copy of the executed Consent Agreement in the
above matter.
NANCY C. WEST
Assistant County Attorney